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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,069	11/21/2001	Toshiyuki Ishino	F-11770	9749

466 7590 08/24/2005

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EXAMINER
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ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,069

Applicant(s)

ISHINO, TOSHIYUKI

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/5/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Remarks

1. The Amendment filed on June 8, 2005 has been received and entered. Claims 6-8 have been cancelled. Therefore, claims 1-5, and 9-21 are now pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, and 9-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (EP 0967804 A2).

As to claim 1, Anderson et al. discloses an information distributing system, comprising:  
an information distributor side device (See column 9, paragraphs 0032-0034); and  
a plurality of audience side terminal unit (See column 4, paragraph 0015);  
wherein said information distributor side device comprises (See column 7, paragraph 0025):

a database for storing a plurality of sets of provided information and seller side information, said seller side information representing a first set of attributes of an audience to which an information provider wants to distribute said provided information (See column 9,

paragraph 0034, also see column 12, paragraph 0049, and see column 10, paragraphs 0051-0053);

a broadcasting means for broadcasting said plurality of sets to said plurality of audience side terminal units (See abstract, also see column 3, paragraph 0013), and

wherein each of said plurality of audience side terminal units (See column 11, paragraph 0044, also see column 12, paragraph 0048) comprises:

receiving means for receiving said plurality of sets broadcast from said information distributor side device (See column 7, paragraph 0025);

comparing means for comparing each item of said seller side information of each set with each item of buyer side information that represents only an entirety of said first set of attributes (any listing of attributes deemed to include all attributes) of an audience who has the audience side terminal unit and that is provided at the buyer side (See column 9, paragraph 0034, also see columns 12-13, paragraphs 0049-0054); and

selecting means for selecting the provided information paired with the seller side information for which the number of matched items with said buyer side information is the largest (See column columns 12-13, paragraphs 0048-0054);

a broadcasting means for broadcasting said plurality of sets to said plurality of audience side terminal units (See abstract, also see column 3, paragraph 0013).

As to claims 2, 10, and 15, Anderson et al. discloses wherein the provided information is an advertisement (See columns 4-5, paragraph 0017).

As to claims 3, 11, and 16, Anderson et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience to which the information provider wants to provide said provided information (See column 5, paragraphs 0018-0019).

As to claims 4, 12, and 17, Anderson et al. discloses wherein said buyer side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience who receives said provided information (See columns 4-5. paragraph 0017).

As to claims 5, 13, and 18, Anderson et al. discloses wherein said buyer side information is stored in a memory card that is replaceably attached to said audience side terminal unit (See column 19, paragraph 00810, also see column 4, paragraph 0017, wherein “audience side terminal unit” reads on “set top terminal”).

As to claim 9, Anderson et al. discloses an audience side terminal unit, comprising:  
receiving means for receiving a plurality of sets of provided information and seller side information broadcast from an information distributor side device (See column 7, paragraph 0025), said seller side information representing a first set of attributes of an audience that an information provider wants to receive said provided information (See column 17, paragraph 0070);

comparing means for comparing each item of said seller side information of each set with each item of buyer side information that represents only an entirety of said first set of attributes (any listing of attributes deemed to include all attributes) of an audience who has said audience side terminal unit and that is provided at the buyer side (See column 9, paragraph 0034, also see columns 12-13, paragraphs 0049-0054); and

selecting means for selecting provided information paired with the seller side information for which the number of matched items with said buyer side information is the largest (See columns 15-16, paragraphs 0064-0065, also see column 12, paragraphs 0047-0049).

As to claim 14, Anderson et al. discloses an information distributing method, comprising the steps of:

storing a plurality of sets of provided information and seller side information to a database of an information distributor side device, said seller side information representing a first set of attributes of an audience that an information provider wants to receive said provided information (See column 9, paragraph 0034, also see column 12, paragraph 0049, and see column 10, paragraphs 0051-0053);

broadcasting said plurality of sets from said information distributor side device to a plurality of audience side terminal units and that is provided at the buyer side (See abstract, also see column 3, paragraph 0013);

causing each of said plurality of audience side terminal units to receive said plurality of sets broadcast from said information distributor side device (See columns 13-14, paragraphs 0054-0057);

causing each of said plurality of audience side terminal units to compare each item of said seller side information of each set and each item of buyer side information that represents only an entirety of said first set of attributes (any listing of attributes deemed to include all attributes) of an audience who has each of said plurality of said audience side terminal units (See column 9, paragraph 0034, also see columns 12-13, paragraphs 0049-0054); and

causing each of said plurality of audience side terminal units to select provided information paired with the seller side information for which the number of matched items with said buyer side information is the largest (See columns 12-13, paragraphs 0048-0054).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (EP 0967804 A2) in view of Kurihara (U.S. Patent No. 5,815,666).

As to claims 19-21, Anderson et al. does not teach wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches.

Kurihara teaches wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches (See Kurihara column 6, lines 8-67, also see Kurihara column 7, lines 3-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Anderson et al. to include wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Anderson et al. by the teaching of Kurihara to include wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches because it provides for efficient database records matching and ranking.

### ***Response to Arguments***

6. Applicant's arguments filed on June 8, 2005 have been fully considered but they are not persuasive.



In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the tags and demographic profile have exactly the same items) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this case, the applicant argued that which is not claimed. The Examiner maintains Anderson et al. discloses all that which is claimed since the "comparing" step of attributes include all the "same" and "different" attributes. Any list of attributes is deemed to include all the attributes in their entirety.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

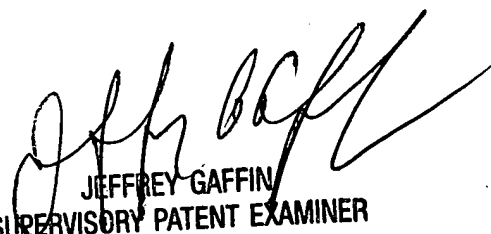
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
August 19, 2005

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
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